

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

WP(C).No. 32196 of 2007(G)

PETITIONER:

SULOCHANA SHANKAR,
'BRINDAVAN', P.O. KOOTHUPARAMBA, KANNUR-670 643.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENTS:

1. THE INDIAN OIL CORPORATION LTD.,
PANAMPILLY AVENUE, P.O. PANAMPILLY NAGAR,
KOCHI-682 036, REP. BY ITS DEPUTY GENERAL MANAGER.
2. THE COMMISSIONER OF CIVIL SUPPLIES,
THIRUVANANTHAPURAM.
3. THE DISTRICT COLLECTOR, MALAPPURAM.

SHRI.A.M.SHAFEEQUE, SC.

G.P. SHRI.A.J.VARTHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 31/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.32196 of 2007

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Dated this the 31st day of October, 2007

J U D G M E N T

Petitioner's licence issued by the Collector under the Essential Commodities Act for dealing in kerosene was suspended. Thereafter, pursuant to the orders of the 2nd respondent, the matter was reheard and, by order dated 26.9.2007, the Collector cancelled the licence. The petitioner challenged that order in appeal before the 2nd respondent, which is pending. In the meanwhile, on the ground that the licence has been cancelled, the 1st respondent cancelled the dealership agreement with the petitioner. The petitioner is challenging the order cancelling the dealership agreement. According to the petitioner, while the appeal is pending, the 1st respondent ought not to have cancelled the dealership agreement. I am of opinion that in so far as the order of cancellation stands, the 1st respondent cannot be found fault with in cancelling the

dealership agreement. However, the petitioner would be entitled to approach the 1st respondent for restoration of the agreement if the petitioner ultimately succeeds in the appeal before the 2nd respondent against the cancellation of the licence. With the above observation, this writ petition is dismissed.

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Sd/-
S.SIRI JAGAN, JUDGE

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P.A. to Judge.